IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO :1844 of 2003

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11-12-2000 in W.P.NO 4794 OF 1995 on the file of the High Court.)

Between:

1.The District Collector and Chairman,Medak district
Scheduled Caste Services co-operative Society Limited,

Sangareddy,Medak district.

2.The Dy.Executive Engineer, Tribal Welfare District

Scheduled Caste Services co-operative Society Limited

Gajwel,Medak District.

..... APPELLANTS

AND

Kum.N.Vanaja d/o Gopala Reddy,aged about

33 yrs,Typist-cum-clerk,office of the Dy.Executive

Engineer,Tribal welfare, District Schedule Caste

Services Cooperative Society Limited,Gajwel

Medak district.

.....RESPONDENT

Counsel for the Appellants:GP FOR FINANCE AND PLANNING
Counsel for the Respondent: Mr.M.PANDURANGA RAO

THE HON'BLE SRI JUSTICE G.BIKSHAPATHY

AND

THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO.1844 OF 2003.

JUDGMENT

1. This Writ Appeal is filed against the order passed by the learned single Judge in Writ Petition No.4794 of 1995, dated 11-12-2000.

2. The matter related to the regularization of services of the respondent-employee. When a Writ Petition was filed, interim direction were granted to pay the salary attached to the scale, Against the said order, the matter was carried to the Supreme Court in S.L.P.No.10532 of 1996. While disposing of the said S.L.P.No.10532 of 1996, the Supreme Court has passed the following order, dated 06-02-1998:

"In, so far as regularization is concerned, we are of the

> view that the High Court has rightly directed that on the basis of the Notification G.O.Ms.No.212, the respondent employees shall be regularized with effect from the date or dates, they completed five years continuous service. It is, however, made clear that the other conditions laid down in the said G.O.Ms.No.212 will have to be satisfied for the purpose of regularization. The special leave petitions are disposed of accordingly. No costs."

Ultimately, the present Writ Petition was disposed of by the learned single Judge. Against the said order, the present Writ Appeal has been filed by the Government.

3. The learned Government Pleader for Finance and Planning submits that the Government has brought subsequent enactment in Act No.27 of 1996, which came into force on 15–08-1998, under which it is stated that since the petitioner has not completed 5 years of service as on the cut off date i.e., 25-11-1993, she is not entitled to be regularized. He further submits that similar batch of matters are pending before the Supreme Court and the Government is awaiting their decision.

4. We are afraid we cannot accept the contention raised by the learned Government Pleader. In the instant case, there is a categorical direction by the Supreme Court to the effect that as and when the respondent employee completes five years of service, she must be regularized subject to fulfilling the other conditions in G.O.Ms.No.212, dated 22-04-1994.

5. The other condition imposed was availability of regular post. As can be seen from the letter of the Vice Chairman and Managing Director of A.P. Schedule Caste Co-operative Finance Corporation Limited, Hyderabad, dated 17-07-2002 addressed to the Principal Secretary to Government, Social Welfare Department, while seeking ratification of the

regularization order, it has been clearly mentioned that the post was sanctioned in G.O.Ms.No.200 S.W.(SCP,II) Department, dated 12-09-1985. In view of this, all the conditions required for regularization have been complied with. In fact the Managing Director himself has recommended to the Government to ratify the action in regularization of her services. Thus, we do not find any merit in this appeal.

6. Accordingly, the Writ Appeal is dismissed. No costs.

G.BIKSHAPATHY

B.SESHASAYANA REDDY

Dated:12-07-2004.

Hsd.

DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

TO,

1.The District Collector and Chairman,Medak District

Scheduled Caste Services co-operative society Ltd.,

Sangareddy,Medak District.

2.The Deputy Executive Enginner,Tribal Welfare District SC Services,Co-operative Socieety Ltd.,Gajwel Medak Disltrict.

3.2 C.Cs. to Government Pleader for Finance and Planning ,High Court Buildings,Hyderabad (OUT)

4. 2 C.D. copies.